

EXHIBIT Z

**To Declaration of Micah West in Support of
Motion for Preliminary Injunction
& Motion for Class Certification**

IN THE CITY OF FOLEY MUNICIPAL COURT

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STANDING ORDER REGARDING BAIL

Per the authority vested upon the Foley Municipal Court pursuant to the Code of Alabama (1975), the Alabama Rules of Criminal Procedure, and the Alabama Rules of Judicial Administration, the court hereby issues the following Order regarding bail for persons arrested on criminal charges to be tried pursuant to its jurisdiction.

1. Any person charged with a criminal misdemeanor, a violation of Title 32 of the Code of Alabama, or a violation of any Ordinance of the City of Foley, over which this Court has jurisdiction, shall initially use the Bond Schedule pursuant to Alabama Rules of Criminal Procedures 7.2 pursuant to Alabama Rules of Judicial Administration as a general guide, attached hereto as Exhibit "A"¹ to set the Bond. It is the opinion of the court that the "Bail Schedule" represents the least burdensome manner in which to reasonably ensure a criminal defendant's future appearance in court. Furthermore, utilization of such a bail schedule "provides speedy and convenient release for those who have no difficulty in meeting its requirements." Pugh v. Rainwater, 572 F.2d 1053, 1057 (5th Cir. 1978).

¹ Pursuant to §12-19-311, Code of Alabama 1975, the required \$35.00 filing fee on each bond shall be assessed on all cases required by that section, but only one assessment per incident regardless of the number of offenses charged. The failure to collect said fee shall not impede the individual's release as provided for below.

2. If an arrestee is unable to meet the requirements of a secured bond by reason of inability to pay, said person shall be allowed to file a financial form attached hereto as Exhibit "B" (which may be changed from time to time) for determination of an inability to pay due to financial limitations. If it is determined the arrestee is unable to pay a secured bond, then in that event, the arrestee shall be granted an unsecured bond utilizing the bail schedule as a guide to set the amount of said bond. The determination of financial status shall be part of the normal bonding process.

3. The Appearance Bond shall be in a form substantially similar to the one attached as Exhibit "B." An arrestee shall be released pursuant to the execution of secured/unsecured appearance bond in an amount using the "Bail Schedule", **unless** he or she is (a) charged with any one or more of the offenses described in paragraphs 4 and/or 5 herein below; (b) has a currently active warrant for Failure to Appear issued by the City of Foley; (c) resides outside the State of Alabama, and/or are incarcerated with a hold from another jurisdiction including from Immigration and Customs Enforcement, of which the City of Foley has been advised. Pursuant to this Order, the city shall advise the Arrestee of this hold.

4. Any person charged with an offense involving domestic violence and/or violation of a domestic violence protection order may not be admitted to bail until after an appearance before a judge or magistrate within twenty-four (24) hours of arrest. If the person is not taken before a judge or magistrate within twenty-four (24) hours of the arrest, they shall be released on bail set in accordance with this Order. Prior to the release of the person, the judge or magistrate shall review the facts of the arrest to determine

whether the person (a) is a threat to the alleged victim; (b) is a threat to the public safety; and/or (c) is likely to appear in court. The judge or magistrate shall make findings on the record concerning their determinations and may impose non-monetary conditions of release on the person to protect the alleged victim of domestic violence or the person protected by a protection order, and to ensure the appearance of the person at a subsequent court hearing consistent with Alabama Code §15-13-190. The City may also inform the victim of the possible release and conditions.

5. A person charged with driving under the influence or public intoxication for alcohol shall not be released from jail until his or her BAC is 0.00. When the weight of alcohol in a defendant's blood reaches the appropriate level, the defendant will be eligible for bond consistent with the terms of this Order.

6. The Foley Municipal Court will comply with the following procedures of subsequent proceedings (a) after the release of an individual initially arrested without a warrant; (b) after an arrest on an initial warrant; and/or (c) after the issuance of a Summons or Citation of an offense that does not involve a custodial arrest:

(I) Upon First Failure to Appear. In the event an individual fails to appear for a scheduled court appearance, the Municipal Court shall do one of the following:

(A) In the event the failure to appear relates to a traffic offense, the Court shall issue a Notice for Failure to Appear², which shall be sent by regular First

²Form UTC-6A, Notice - Failure to Appear in Court.

Class United States mail. While not required herein, nothing shall prohibit the Court from using other reasonable means to inform or remind the defendant of their court date; or

(B) In the event the failure to appear relates to any non-traffic offense, the Court shall issue a Court Appearance Notice³, which shall be served by First Class United States mail. While not required herein, nothing shall prohibit the Court from using other reasonable means to inform or remind the defendant of their court date.

(ii) Upon a Second or Subsequent Failure to Appear. In the event an individual fails to appear for a second (or subsequent) scheduled court appearance, or if for any reason a Summons cannot be served or delivered (i.e., a return of no service),⁴ the Court shall either (a) issue a warrant⁵ for a Failure to appear related to a traffic offense under §32-1-4(a), Code of Alabama 1975; or (b) issue an arrest warrant for a Failure to Appear related to a non-traffic offense under §12-14-32, Code of Alabama 1975. In both cases, the Court may forfeit the defendant's bail.⁶

7. Any person with a currently active arrest warrant for Failure to Appear or two prior convictions for Willful Failure to Appear within the last five years, issued by the City of Foley must post a cash bond, commercial surety bond, or the signatory bond of an owner of real property located within the State of Alabama in the amount(s) established by the Bond Schedule for all charges (including new charges except for those

³ Form C-14 - Court Appearance Notice.

⁴ Ala. R. Crim. P. 3.1©.

⁵ Form C-65(a) - Alias Warrant for Arrest -- Failure to Appear.

⁶ Ala. Code §13A-10-40(a).

set forth in paragraph 4 herein.) Further, when a defendant released on bond is arrested and is in forfeiture status, the judicial officer may increase the amount of the bond up to \$1,000.00 per charged incident, require a cash bond, and/or place other conditions of release upon the bond.

8. Any person who is not released pursuant to the Order is entitled to an initial appearance before a judicial officer as promptly as possible, hopefully, within twenty-four (24) hours, but in no event longer than seventy-two (72) hours, at which time the judicial officer may, in his or her discretion (a) determine what conditions, if any, should be placed on the arrestee pending release; (b) modify the amount of bail based on the arrestee's ability to pay; (c) require a bond if they determine that alternative measures will not reasonably assure the defendant's appearance at trial; and/or (d) hold a hearing to arraign the arrestee or hold the proceeding for which the arrestee failed to appear (unless that proceeding was a trial or other matter requiring the setting of a new court date.) At these hearings, defendants will be afforded the right to counsel as established by the United States Constitution. If counsel is requested and unavailable, or if in the unlikely event that no hearing can be held within seventy-two (72) hours, the arrestee shall be released pursuant to an unsecured appearance bond, unless the judicial officer determines that a bond is required (or that other conditions should be placed upon the defendant's release) because the defendant poses a danger to himself or others. The jailing authority for the City of Foley shall inform the Court of any such arrestees in a timely fashion and will facilitate their appearance with the Court at the time set by the Court. If any

individual is further detained, written findings of fact will be made on the record regarding the basis for that further detention.

9. Following a defendant's failure to appear, nothing shall prohibit the City from taking steps under state law to forfeit the secured or unsecured Bond and take all measures under local and state law to enforce and collect upon the said Bond including, but not limited to, converting any unsecured bond into a money judgment.

10. In accordance with Ala. R. Crim. Proc. 7.4, by the second day of each month, the officials having custody of the defendants being held on municipal charges pending trial or on extraordinary writs shall provide the presiding Municipal Judge, the City Attorney, and the Municipal Court Clerk with the names of all defendants in their custody; the charge(s) upon which they are being held; and the date they are most recently taken into custody. The Court shall review the conditions of release for every defendant who has been in custody on municipal charges for more than ninety (90) days.

So ORDERED this the 27 day of December, 2016.



MUNICIPAL COURT JUDGE
CITY OF FOLEY

Exhibit "A"

BAIL SCHEDULE
Recommended Range

FELONIES:

Capital Felony	\$50,000 to No Bail Allowed
Murder	\$15,000 to \$75,000
Class A Felony	\$10,000 to \$60,000
Class B Felony	\$ 5,000 to \$30,000
Class C Felony	\$ 2,500 to \$15,000
Drug Manufacturing and Trafficking	\$ 5,000 to \$1,500,000

MISDEMEANORS (not included elsewhere in the schedule):

Class A Misdemeanor	\$ 300 to \$6,000
Class B Misdemeanor	\$ 300 to \$3,000
Class C Misdemeanor	\$ 300 to \$1,000
Violation	\$ 300 to \$ 500

MUNICIPAL-ORDINANCE VIOLATIONS	\$ 300 to \$1,000
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TRAFFIC-RELATED OFFENSES:

DUI	\$ 1,000 to \$7,500
Reckless Driving	\$ 300 to \$1,000
Speeding	\$ 300 to \$ 500
Other traffic violations	\$ 300 to \$ 500

Exhibit "B"**QUESTIONS THAT HELP THE JUDGE UNDERSTAND
YOUR FINANCIAL SITUATION****1) IDENTIFICATION**

Full Name _____ Date of Birth _____
 Spouse's Full Name (if married) _____
 Complete Home Address _____

 Number of People Living in Household _____
 Home Telephone No. _____
 Occupation/Job _____ Length of Employment _____
 Driver's License Number _____ Social Security Number _____
 Employer _____ Employer's Telephone No. _____
 Employer's Address _____

2) ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

☐ AFDC ☐ Food Stamps ☐ SSI ☐ Medicaid ☐ Other _____

3) INCOME/EXPENSES

Do you work? YES NO
 If you work, do you work: temporary part-time full-time odd jobs/seasonal
 Did you work last week: YES NO
 How long have you worked at the job you have now? _____ days / weeks / months / years
 How much money did you make in your last paycheck? \$ _____
 When did you receive your last paycheck? (List the date) ____ / ____ / ____
 Where do you live (street address) _____
 How long have you lived at this address? _____ days / weeks / months / years
 Do you own or pay rent at this address? OWN PAY RENT
 How much is your mortgage or rent payment each month? \$ _____
 How much, total, do you pay for each of these bills each month? If you do not have a certain type of bill, circle "not applicable." (If no information is provided for regular living expenses, the Court will assume national averages.)

Electrical Bill	\$ _____	not applicable
Gas Bill	\$ _____	not applicable
Water and Sewer Bill	\$ _____	not applicable
Phone Bill	\$ _____	not applicable
Cable Bill	\$ _____	not applicable
Car Note	\$ _____	not applicable
Car Insurance	\$ _____	not applicable
Health Insurance	\$ _____	not applicable
Medical Bills	\$ _____	not applicable
Credit Cards	\$ _____	not applicable
School Tuition	\$ _____	not applicable
Student Loan	\$ _____	not applicable
Clothing	\$ _____	not applicable
Groceries	\$ _____	not applicable
Gas for Vehicle	\$ _____	not applicable

Child Support	\$ _____	not applicable
Alimony	\$ _____	not applicable
Other Expenses	\$ _____	not applicable
Total (Include rent/mortgage)	\$ _____	

4) **LIQUID ASSETS**

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit) \$ _____

Equity in Real Estate (value of property less what you owe) _____

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishings, jewelry, tools, guns less what you owe) _____

Other (be specific) Do you own anything else of value? ☐ Yes ☐ No

(land, houseboat, TV, stereo, jewelry)

If so, describe _____

TOTAL LIQUID ASSETS \$ _____

5) **AFFIRMATION**

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to penalties of perjury. I authorize the Court or its authorized representative to attain records or information pertaining to my financial status from any sources in order to verify information provided by me.

Signature

EXHIBIT C

State of Alabama Unified Judicial System Form CR-11 Rev. 1/96	<h1 style="margin: 0;">APPEARANCE BOND</h1>	Case Number _____
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IN THE _____ COURT OF _____, ALABAMA
(Circuit, District, or Municipal) *(Name of Municipality or County)*

☐ STATE OF ALABAMA ☐ MUNICIPALITY OF _____

v. _____, Defendant

I, _____ (Defendant), as principal,
 and I (we), _____
(please print)

_____, as surety(ies),
 agree to pay the ☐ State of Alabama ☐ the above-named Municipality the sum of \$_____ (for municipal courts, this sum
 should not exceed \$1,000) and such costs as authorized by law unless the defendant appear(s) before the above-named court on
 _____ (date) at _____ (time) (if date and time are unknown, the words 'the
 scheduled' may be placed in the date blank and a line may be placed in the space for time) and from day to day of each session
 thereafter until defendant is discharged by law to answer the charge of _____
 or any other charge as authorized by law.

If the trial is moved to another county/municipality, this undertaking is for the appearance of the defendant from day to day
 of each session of the court to which the defendant is removed until discharged by law.

As sureties, we hereby jointly and severally certify that we have property valued over and above all debts and liabilities that
 has a fair market value equal to or greater than the amount of the above bond, and we, and each of us, waive the benefit of all
 laws exempting property from levy and sale under execution or other process for the collection of debt by the Constitution and
 Laws of the State of Alabama, and we especially waive our rights to claim as exempt our wages or salary that we have under
 the laws of Alabama, and our rights to homestead exemptions that we have under the Constitution of Alabama and the laws
 of the State of Alabama, as set out in a separate writing.

Signed and sealed this date with notice that false statements are punishable as perjury.

Signature of Defendant				(L.S.)
Address (Print)			State	Zip
Signature of Surety/Agent of Professional Surety or Bail Company		Signature of Surety/Agent of Professional Surety or Bail Company		
(L.S.)		(L.S.)		
Social Security Number (Except for Agents)	Phone	Social Security Number (Except for Agents)	Phone	
Address(Print)	City	State	Zip	
Signature of Surety/Agent of Professional Surety or Bail Company		Signature of Surety/Agent of Professional Surety or Bail Company		
(L.S.)		(L.S.)		
Social Security Number (Except for Agents)	Phone	Social Security Number (Except for Agents)	Phone	
Address(Print)	City	State	Zip	

Date _____

Approved by: Judge/Magistrate/Sheriff/Law Enforcement Officer

 By: Deputy Sheriff/Law Enforcement Officer

Defendant's Information				
Date of Birth	Sex	Eyes	Hair	Employer
Social Security Number	Race	Height	Weight	Employer's Address
Driver's License Number	Telephone Number			Employer's Telephone Number

☐ Property Bond ☐ Professional Surety Bond ☐ Cash Bond Posted by _____